

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, AUGUST 21, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Lynda Berry	Alternate
	Roger Handy	Alternate
CITY STAFF:	Jeff Leishman	Associate Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Mark Teuscher	City Planner
	Kathy Philpot	Alternate

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2954 / PUBLIC HEARING / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

APPLICATION #2942 / CONDITIONAL USE PERMIT – HOME OCCUPATION / LICENSED FAMILY GROUP CHILD CARE PROVIDER / PRESCHOOL / 106 NORTH 100 EAST / REBECCA L. ULLMAN

APPLICATION #2951 / CONDITIONAL USE PERMIT – HOME OCCUPATION / LICENSED FAMILY GROUP CHILD CARE PROVIDER / PRESCHOOL / 831 SOUTH LAW DRIVE / HEIDI HEIL

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Chairman Lane opened the regular meeting at 6:30 p.m. and Commissioner Peterson led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

MOTION: A motion was made by Commissioner Nielsen to approve the work session minutes of August 07, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

MOTION: A motion was made by Commissioner Poelman to approve the regular meeting minutes of August 07, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2954 / PUBLIC HEARING / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

This development proposes three individual buildings, each with four townhouses that will be for individual sale. This was recently zoned R-M-7, which requires a separation between individual lots. A P.U.D. subdivision has the ability to amend or modify standards within the R-M-7 district; it becomes a give and take situation between the developer and the City. Between each of the units there will be a zero lot line, which is the City's ability to pull those units together and not have a physical separation.

The developer was sent a staff evaluation but no comment has been received back in regards to that. On-site parking requires 24-stalls; the plan currently shows 19. Each unit is required to have two parking stalls. The applicant will need to add five additional parking stalls. The waste collection enclosure appears very difficult to access and Staff would like to see a more accessible location. Staff suggested extending the rock wainscot to all four sides of each building to add more street appeal.

Approval of this application is subject to UDOT granting access onto the State road.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2954. The motion was seconded by Roger Handy and passed unanimously.

Christie Beecher and Brent Rhees came forward. Ms. Beecher stated that they were in agreement with most of the Staff comments. In regards to the additional parking stalls, Ms. Beecher stated that they are going to move the currently proposed garbage location to the end and add the extra stalls where the garbage was going to be placed. She thought it would be wise to note each stall as being assigned to each townhome, which could be written into the CC&Rs of the homeowners association. After all the units are sold and the development is finished, a committee is elected, from the resident homeowners, for the homeowners association. That committee is the entity that upholds the standards in the CC&Rs. They will be submitting a copy of the covenants. In regards to visitor parking, each unit will have three spots available for parking. The third parking area will be available in front of each garage but the driveway is not recognized in the Code as a parking space; that space is where guests could park. It could be recognized in the CC&Rs that each townhome owner would be limited to only two vehicles, which could include a boat, RV, ATV's ect.

Storm drains will be installed so there is not a runoff situation; that inclusion will need to be added to and drawn on the plan. Ms. Beecher said they have verbal approval from UDOT to access the highway but they do not have any written documents, as of yet. A turn lane has been proposed as the way to access the development. Nothing has been mentioned about reducing the speed. The drawing needs to be amended to reflect the comments of the Staff and the developer's compliance to those comments. The developer is going to have their landscaping person work directly with Leisure Services as to the landscaping plan and what they would like to have happen.

In the interest of the public hearing, it was suggested that the applicant address each line item in the Staff evaluation in written format. Those responses will be given to the individual staff members who made the comments and then have the site and building plans reflect those comments made by Staff. Ms. Beecher stated that they were in full agreement with the Staff comments, as they are currently understood. The only thing they questioned was the comment in the Staff evaluation stating that stucco would be better than siding. Ms. Beecher said that as the look of their development was a timber lodge look, it would look better with vinyl siding than it would with stucco. Staff is agreeable to the vinyl siding. The developer is also suggesting a 6-foot vinyl fence around the perimeter of the property. Ms. Beecher said they would meet with the neighbors and see how to work out the fence style issue. Because of the canyon wind, the fence may need to have slits in it. Consulting a fence specialist was suggested.

It was agreed to have an electronic form of the Staff evaluation provided to the developer so they could address the Staff comments individually.

Tina Harris, neighboring property owner, came forward. She asked what category of people and income bracket these homes were going to be built for and what the valuation of the homes would be. Ms. Beecher replied that the answers to those questions were not definite and Mr. Rhees stated that he did not build his homes for any particular group of people. They gave a rough estimate that the valuation of the homes may be in the range of \$165,000. Mrs. Harris also commented that parking on 200 South would not be possible as it was a one-lane highway with a high speed limit.

Bruce Leonard, Brigham City Administrator, came forward. In regards to solid waste collection, he asked the developers if they were planning on commercial service. Ms. Beecher said that is what is generally done in a P.U.D. Mr. Leonard said that development is classified as residential and wanted to bring that question up to Staff. If a building is classified as commercial, the City will allow commercial haulers to pick up the garbage but for those classified as residential the City reserves the right to provide that service to the residents. Mr. Leonard said Staff would need to be consulted as to the best way to serve that.

Holly Timbimboo, neighboring resident, came forward. She asked how the proposed townhomes would affect the property value of the existing homes in the neighborhood. Chairman Lane commented that the fact these homes will be sold and not rented is a positive factor. Ms. Beecher stated that these townhomes will be very nice and well kept and should improve the surrounding property value as opposed to the vacant rundown lots that currently exist.

Lynda Berry asked if the owners will be allowed by the CC&Rs to rent their homes to others. Ms. Beecher replied that most people in this economic bracket need a lender to help them purchase. A lender will not lend on that if it is known that there will be rentals beyond a certain number. The committee that governs the CC&Rs will uphold those to ensure the development will remain nice. When the CC&Rs are written it could be included that these homes not be rented out.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for application #2954. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Commissioner Nielsen to continue application #2954 be continued to the Planning Commission meeting on September 18, 2007 in order to give the applicant time to respond to the comments and coordinate any additional issues required with the Staff. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2942 / CONDITIONAL USE PERMIT – HOME OCCUPATION / LICENSED FAMILY GROUP CHILD CARE PROVIDER / PRESCHOOL / 106 NORTH 100 EAST / REBECCA L. ULLMAN

This application was continued by recommendation of the Staff so the applicant could apply to the State for licensing as a daycare provider thus modifying the application to operate the preschool under that daycare provision as getting approved only as a preschool would have been too costly to the applicant and not practical for the purpose. The occupant load will be limited to 16 children in the home at any one time. There will need to be a life-safety inspection done on the home and the applicant will need to comply with the definition of the Code as a licensed group child care provider.

There has been no response from the neighbor notification. Commissioner Peterson had a concern regarding the proposed increased flow of traffic to the neighborhood.

Commissioner Nielsen said there really were not any comments from the Staff in respect to this application other than the comments from the Building Official in regards to how to handle preschools. He stated his hesitancy to act on this application without the presence of the applicant. Chairman Lane agreed in that they are putting conditions on a business and it is hard to act on it when the applicant is not present to agree or disagree with the conditions being set.

As Ms. Ullman was not in attendance, it was suggested that this application be continued so she could be present to answer questions.

MOTION: A motion was made by Commissioner Nielsen to continue application #2942 to the September 4, 2007 meeting in order to be able to have Staff further coordinate with the applicant as well as have the applicant present at the meeting so they can discuss any conditions associated with the conditional use permit. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2951 / CONDITIONAL USE PERMIT – HOME OCCUPATION / LICENSED FAMILY GROUP CHILD CARE PROVIDER / PRESCHOOL / 831 SOUTH LAW DRIVE / HEIDI HEIL

This application was continued by recommendation of the Staff so the applicant could apply to the State for licensing as a daycare provider thus modifying the application to operate the preschool under that daycare provision as getting approved only as a preschool would have been too costly to the applicant and not practical for the purpose. The occupant load will be limited to 16 children in the home at any one time. There will need to be a life-safety inspection done on the home and the applicant will need to comply with the definition of the Code as a licensed group child care provider.

Heidi Heil came forward. Ms. Heil stated that she is doing a preschool in her home and found out that she needed to follow the building code so she changed her application to child care and was told she could operate it as a preschool under that provision. She stated that she is in the process of licensing with the State; they will come out and inspect her home. She has had the fire inspection. Eventually, her plan is to have 16 children in the morning and in the afternoon. Currently, she has 8 children registered.

Commissioner Nielsen asked if the schedule will be set so it will not conflict with the adjacent public school. Ms. Heil replied that her first session would be from 8:30 a.m. to 11:00 a.m. and the second session would be from 11:30 a.m. to 2:00 p.m., which would allow 40 minutes before the public school let out for the traffic to change. This time frame will also work for the days the public school starts at 10:00 a.m.

Ms. Heil stated that if she gets enough children, she will have an assistant. That is something that the State regulates.

MOTION: A motion was made by Commissioner Poelman to issue a conditional use permit for application #2951. The motion was seconded by Commissioner Peterson.

DISCUSSION: Commissioner Nielsen stated that since this is a conditional use permit, they need to impose the conditions that the State license is maintained and kept current, the City business license is kept and maintained current and whatever mandatory life-safety inspections are imposed by any of the controlling agencies be maintained and current and the schedule of the preschool be adjusted so as not to conflict with the adjacent public school. Commissioner Poelman accepted the additions and Commissioner Peterson seconded that.

The motion passed unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION:

MOTION: A motion was made by Commissioner Nielsen to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

The meeting adjourned at 7:28 p.m.

This certifies that the regular meeting minutes of August 21, 2007 are a true and accurate copy as approved by the Planning Commission on_____.

Signed: _____

Jeffery R. Leishman, Secretary